

Remarks/Arguments:

By this amendment, Applicants have canceled claims 13-24 and added new claims 25-37. No new matter is introduced by the new claims.

Objection to the Oath/Declaration

The Examiner objected to the Oath/Declaration, indicating that the Oath/Declaration is defective for not including a statement over applicant's signature providing a complete post office address. Applicants respectfully traverse this objection. The German Language Declaration submitted with the application on July 16, 2004 includes the post office address of each inventor directly below each inventor's signature on page 3 thereof. As set forth, Albrecht Otto's post office address is: Vilbeler Straße 47A, 61137 Schöneck, Germany; and Dieter Dinkel's post office address is: Bahnhofstraße 21, 65824 Schwalbach, Germany. Applicants respectfully request that this objection be withdrawn.

Objection to the Drawings

The Examiner objected to the drawings as not showing every feature of the invention specified in the claims, namely, the electric change-over valve, the inlet and outlet valves, the separating valve, and the non-return valve. Applicants respectfully submit that the every feature of the invention specified in newly presented claims is shown in the drawings. Applicants respectfully request that this objection be withdrawn.

The Examiner also objected to the drawings, indicating that reference character "W" shown in Fig. 1 is not mentioned in the description. Applicants respectfully traverse this objection and submit that the substitute specification describes the "track of punched holes W" in paragraphs [0037] and [0038]. Applicants respectfully request that this objection be withdrawn.

Claim Rejections Under 35 U.S.C. §112

The Examiner rejected each of the pending claims under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner indicates: in claim 13 it is unclear whether the outlet valves of line 17 are intended to be the same as the outlet valves

recited in line 3 thereof; in claim 14 the narrowing language of "preferably a transverse channel" renders the claim indefinite; in claim 15 it is unclear whether the inlet valves recited therein are intended to be the same as the inlet valves recited in claim 13; in claim 20 the phrase "said channel" is unclear as to whether it refers to the return channel or the suction channel and "the accumulator accommodating bore in the second row of valves" is incorrect; and in claim 22 the phrase "the valve-accommodating bore" is indefinite. Applicants respectfully submit that the new claims particularly point out and distinctly claim the subject matter which applicant regards as the invention and respectfully traverse each rejection under 35 U.S.C. §112.

Claim Objections

The Examiner indicated that claims 15-17 and 20-23 contain allowable subject matter and will be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 28-30 correspond to claims 15-17 and new claims 33-36 correspond to claims 20-23. Claim 28 presents claim 15 in independent form and includes the limitations of base claim 13 and intervening claim 14. Additionally, as set forth above, claim 28 overcomes the rejections under 35 U.S.C. §112, second paragraph. Dependent claims 29 and 30 each ultimately depend from claim 28. Claim 33 presents claim 20 in independent form and includes the limitations of base claim 13 and intervening claim 18. Additionally, as set forth above, claim 33 overcomes the rejections under 35 U.S.C. §112, second paragraph. Dependent claims 34-36 each ultimately depend from claim 33. It is respectfully submitted that each of these claims is in condition for allowance.

Claim Rejections Under 35 U.S.C. §103

The Examiner rejected claims 13, 14, 18 and 24 under 35 U.S.C. §103(a) as being unpatentable over PCT Publication No. WO 01/00471 (Dinkel '471) (using U.S. Patent No. 6,688,707 as an English language equivalent thereof) in combination with PCT Publication No. WO 99/25594 (Dinkel '594) (using U.S. Patent No. 6,398,315 as an English language equivalent thereof). The Examiner also rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Dinkel '471 in combination with Dinkel '594 further in view of U.S. Patent No. 5,496,099 (Resch). Applicants respectfully traverse these rejections.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. §2143.

Independent claim 25 recites "a first row of inlet valve-accommodating bores that open into the first housing surface; a second row of outlet valve-accommodating bores that open into the first housing surface;" and "a pump-accommodating bore arranged in the accommodating member and extending transversely to the inlet and outlet valve-accommodating bores, generally parallel to and between the first and second rows of valve-accommodating bores."

The examiner cites Dinkel '471 as showing in Fig. 2 thereof first and second rows of valve accommodating bores with the first row extending parallel to left element 9 and the second row extending parallel to right element 2" and element VL. However, this reading is contrary to the teaching of Dinkel '471. As explained in corresponding U.S. Patent No. 6,688,707 at col. 3, Ins. 5-9, "[t]he second valve row Y comprises exclusively the valve accommodating bores 2 provided for the outlet valves which are optimally disposed between the pump bore 3 and the first valve row X that exclusively includes the valve accommodating bores 2 for the inlet valves." The "rows" as proposed by the examiner extend transverse to the true valve rows X and Y described in Dinkel '471 and do not provide a first row of inlet valve-accommodating bores and a second row of outlet valve-accommodating bores as recited in claim 25, but instead include a row with one inlet valve-accommodating bore and one outlet valve-accommodating bore.

Furthermore, Dinkel '471 specifically teaches it is optimal to have the row Y of outlet valve-accommodating bores between the pump bore 3 and the first valve row X of inlet valve accommodating bores. Dinkel '471 teaches away from the claimed invention wherein the pump-accommodating bore extends generally parallel to and between the first and second rows of valve-accommodating bores. Even accepting the examiner's proposed "rows", the pump bore 3 of Dinkel '471 does not extend between and generally parallel to these proposed transverse rows, but instead extends perpendicular thereto.

Assuming for argument sake that the combination with Dinkel '594 is appropriate, Dinkel '594 does not overcome the shortcomings of Dinkel '471, but instead includes the same configuration with the row Y of outlet valve-accommodating bores between the pump bore 5 and the first valve row X of inlet valve accommodating bores. See Fig. 1 and the description in corresponding U.S. Patent No. 6,398,315 at col. 3, lns. 17-36.

Independent claim 25 further recites "a third row of valve-accommodating bores arranged in the accommodating member between the first row of valve-accommodating bores and the second housing surface." Dinkel '471 does not include such a third row of valve-accommodating bores. While Dinkel '594 illustrates a third row of valves Z, such row is positioned between the pump bore 5 and the third surface. As explained in corresponding U.S. Patent No. 6,398,315 at col. 3, lns. 37-46, "FIG. 1 further shows a third row of valves Z, which opens into the housing surface of the housing 4 far from the first and second valve row X,Y; in particular, the third valve row Z is arranged adjacent a side surface of the housing 4 opposite the side surface adjacent the first valve row X. Thus, the third valve row Z is arranged directly next to the two accumulator-receiving bores 1 which ensures a simple functional expansion of the hydraulic unit designed for controlling the blocking pressure for the purpose of traction or vehicle dynamics control." In contradistinction, the claimed configuration facilitates the hydraulic connection between the inlet valves of the first valve row X, the inlet ports B1, B2 and the third valve row Z. Dinkel '594 specifically teaches away from the claimed configuration.

Applicants respectfully submit that none of the cited references, alone or in any reasonable combination, teaches or suggests each limitation of the claimed invention. Claims 26, 27, 31, 32 and 37 all ultimately depend from claim 25 and are therefore allowable for at least the reasons set forth above.

Non-Statutory Double Patenting Rejection


The Examiner rejected claim 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 6,877,822 in view of Dinkel '471. Claims 1 and 9 of the '822 patent each recite "wherein the inlet valves are arranged in the valve accommodating bores of the first valve row which is spatially separated from the second valve row accommodating the outlet valves by the pump accommodating bore, wherein several valve accommodating bores of a third valve row remote from the pump accommodating bore open directly between the second valve row and the braking pressure

generator ports into the first housing surface of the accommodating member." This arrangement is contrary to the claimed arrangement. In the presently claimed invention, the second row of outlet valve-accommodating bores is arranged between the pump-accommodating bore and the accumulator-accommodating bore. This arrangement facilitates the hydraulic connection between the outlet valve-accommodating bores and the accumulator bore. Furthermore, in the claimed invention the third row of valve-accommodating bores is arranged between the first row of inlet valve-accommodating bores and the second housing surface. This arrangement facilitates the hydraulic connection between the inlet valve-accommodating bores, the inlet ports and the third row of valve-accommodating bores. The '822 patent, alone or in combination with Dinkel '471, fails to teach or suggest the claimed invention.

It is respectfully submitted that each of the pending claims is in condition for allowance. Early reconsideration and allowance of each of the pending claims are respectfully requested.

If the Examiner believes an interview, either personal or telephonic, will advance the prosecution of this matter, it is respectfully requested that the Examiner get in contact with the undersigned to arrange the same.

Respectfully submitted,


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